

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ANGELA ORMSBEE,  
SAVANNAH ORMSBEE and KRYSTA  
ORMSBEE, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CORRINE ORMSBEE,

Respondent-Appellant,

and

DAVID ORMSBEE,

Respondent.

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UNPUBLISHED

February 8, 2005

No. 256954

Otsego Circuit Court

Family Division

LC No. 02-000186-NA

Before: Zahra, P.J., and Neff and Cooper, JJ.

MEMORANDUM.

Respondent-appellant Corrine Ormsbee appeals as of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i). We affirm.

Respondent's sole issue on appeal is that the trial court erred in accepting her plea of no contest to the original petition and, therefore, did not properly obtain jurisdiction over the minor children.

It is well established that a respondent in a child protective proceeding cannot collaterally attack the trial court's exercise of jurisdiction in an appeal as of right from a subsequent order terminating the respondent's parental rights. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993); *In re Bechard*, 211 Mich App 155, 159-160; 535 NW2d 220 (1995); see also former MCR 5.993(A)(1), now MCR 3.993(A)(1). Here, the trial court exercised jurisdiction over the minor children pursuant to a December 30, 2002, dispositional order, and also a second dispositional order, dated November 19, 2003, neither of which respondent appealed.

Accordingly, respondent is barred from collaterally challenging the trial court's exercise of jurisdiction in this appeal as of right from the July 7, 2004, order terminating her parental rights.

Moreover, we have reviewed the substance of respondent's claims, and find them to be without merit. The trial court sufficiently complied with MCR 3.971 and former MCR 5.971 when it accepted her pleas of admission. Although the trial court's decision to take the first plea "under advisement" created some uncertainty regarding the validity of that plea, the court cured any defect when it later gave respondent the option of proceeding to a trial on the question of jurisdiction or tendering a second plea of admission to allegations in an amended petition. Respondent chose the latter option and the trial court assumed jurisdiction based on respondent's plea. Respondent does not challenge the validity of her second plea. Therefore, respondent's appeal is without merit.

Affirmed.

/s/ Brian K. Zahra  
/s/ Janet T. Neff  
/s/ Jessica R. Cooper